

Message Text

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12

ACTION L-03

INFO OCT-01 EA-07 ISO-00 PM-04 CIAE-00 INR-07 NSAE-00

TRSE-00 OMB-01 SS-15 SP-02 /040 W

----- 026906

R 180810Z SEP 76

FM AMEMBASSY MANILA

TO SECSTATE WASHDC 830

INFO SECDEF WASHDC

NAVY JAG WASHDC

CINCPAC HONOLULU

CINCPACFLT

CINCPACREPPHIL SUBIC

NLSO SUBIC

C O N F I D E N T I A L MANILA 14998

E.O. 11652: GDS

TAGS: MARR, RP

SUBJECT: PEOPLE OF THE PHILIPPINES VS. BARTON, ET AL

REF: STATE 239047; DTG 251441Z SEP 76

1. SUBIC AND EMBASSY LEGAL OFFICERS HAVE APPOINTMENT ON 5 OCTOBER 1976 WITH ACTING COMMISSIONER OF INTERNAL REVENUE EFREN PLANA TO EXPLORE POSSIBILITIES OF RESOLVING TAX ASSESSMENT CASE AGAINST DEFENDENTS IN ABOVE-ENTITLED CASES. BIR REP ON LEGAL AFFAIRS COMMITTEE TENTATIVELY SUGGESTED THAT IF DEFENDENTS WOULD FILE INFORMATIONAL TAX RETURNS AND IF SUCH RETURNS INDICATED ONLY USG SALARY INCOME, THIS MAY RESOLVE MATTER. INTEND TO EXPLORE THIS POSSIBILITY WITH PLANA AT 5 OCTOBER MEETING. IF NECESSARY WILL ALSO DISCUSS OTHER OPTIONS ITERATED IN PARA 2 REFTEL.

2. IF DETERMINED THAT COMMISSIONER IS NOT RECEPTIVE TO ABOVE APPROACHES, EMBASSY WILL THEN CONSIDER WHAT DIPLOMATIC ACTION MAY BE APPROPRIATE. EMBASSY IS AWARE OF CONNECTION RESOLUTION OF THESE CASES COULD HAVE ON NEGOTIATIONS OF TAX PORTION OF NEW MILITARY BASES AGREE-
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MENT. WE HAVE EVALUATED ALL SUCH RAMIFICATIONS BUT

BELIEVE BECAUSE OF RATHER UNIQUE BACKGROUND OF THESE CASES, PROPOSED ACTION SHOULD HAVE NO ADVERSE EFFECT ON ONGOING NEGOTIATIONS ESPECIALLY IN LIGHT OF THE RELEVANT PROVISIONS OF THE DOUBLE TAXATION TREATY TO BE SIGNED IN MANILA NEXT WEEK.

3. WILL ADVISE ADDRESSEES OF RESULT OF ABOVE SCHEDULED MEETING.
SULLIVAN

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NNN

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